

APPLICATION NO. 10//013,072  
DOCKET NO. P2011/N7696REMARKS

Claims 1-6 and 8-15 are under consideration in the above-captioned application, with original claims 16-24 withdrawn due to a restriction requirement. Claim 1 is amended herein, in order to more clearly define and fully protect Applicant's invention. Reconsideration and allowance of claims 1-6 and 8-15 is respectfully requested.

Although the pending claims of the above-captioned application are under final rejection, entry of this amendment and response is believed appropriate and is requested, as the amendment made to claim 1 and comments herein more clearly delineate the patentable distinctions between the claimed invention and the cited reference.

All pending claims stand rejected under either 35 U.S.C. §102(b) or 35 U.S.C. §103(a) over Kalback (U.S. 5,198,101). However, since Kalback neither anticipates nor renders obvious the inventions of the rejected claims, these rejections should be withdrawn.

The Office Action notes that the distinction made in the previous response, that Kalback relates to anisotropic mesophase pitch, is not in the claims, and that is the sole reason provided for finding the arguments from the prior response unpersuasive.

APPLICATION NO. 10/013,072  
DOCKET NO. P2011/N7696

Claim 1 has been amended herein to specify that the soft pitch used in the inventive method is formed from coal tar (the use of a coal tar pitch in the method is also a limitation in independent claim 15). There are mesophase coal tar pitches but these would have the word mesophase in the description. Commercial coal tar pitches which are used as binders and impregnants would not be mesophase pitches. Thus, in converting coal tar to binder and impregnating pitches one is only removing small low molecular weight molecules, unlike making mesophase where one has to distill much higher molecular weight molecules to result in mesophase formation. Therefore gas sparge is required for mesophase pitch but not obviously needed for coal tar.

More particularly, the Kalback patent relates to the use of gas sparge in combination with an a metal alkylaryl sulfonate to convert heavy aromatic hydrocarbon, in particular pitches to anisotropic or mesophase pitch. As pointed out in two of the prior art references discussed in Kalback (U.S. 3,974,264 and U.S. 4,026,788) at col. 1, lines 44-48, the inert gas sparge is used to remove low molecular weight components of an isotropic pitch and to facilitate the development of mesophase. The purpose of the inert gas sparge is to aid in mesophase development. There is no indication on the use of gas sparge to control final softening point or flash points in isotropic, non-mesophase pitches. Oxidative gases can also be used in the patent of Kalback. In this respect it would not have been obvious from Kalback to sparge low softening points pitches derived from coal tar,

APPLICATION NO. 10/013,072  
DOCKET NO. P2011/N7696

which is not a heavy aromatic hydrocarbon, in order to achieve the proper balance of flash point and softening point in an isotropic non-mesophase pitch.

The Office Action asserts that Kalback describes heating coal tar at 270 - 425°C for 4 to 10 hours. In fact, at col. 3, line 51 - col. 4 line 2, the Kalback patent describes heating coal-derived heavy aromatic distillates from 350 to 450°C. Coal tar is not a heavy aromatic distillate and contains significant light materials. The heavy distillates are actually the highest boiling components of coal tar. The temperatures of 350-450°C are reaction temperatures used to produce mesophase and it is necessary to remove the high molecular weight components from the heavy distillates.

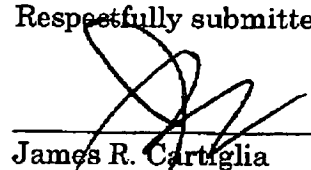
### CONCLUSION

Based on the foregoing amendments and remarks, it is believed the above-captioned application is now in condition for allowance. Such action is earnestly sought. If there remains any matter which prevents the allowance of any of claims 1-6 and 8-15, the Examiner is requested to call the undersigned collect at 615.242.2400 to schedule an interview which may further expedite prosecution.

The Commissioner is authorized to charge any deficiency or credit any overpayment associated with the filing of this Response to Deposit Account 21-0010.

APPLICATION NO. 10/013,072  
DOCKET NO. P2011/N7696

Respectfully submitted,

  
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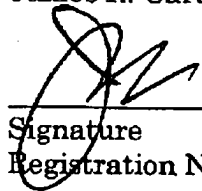
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APPLICATION NO. 10/013,072  
DOCKET NO. P2011/N7696

**CERTIFICATE OF FACSIMILE TRANSMITTAL**

I hereby certify that this Response To Office Action (9 pages) and Certificate of Facsimile Transmittal (1 page) are being facsimile transmitted to the United States Patent and Trademark Office, Fax No. 703-308-9306 on November 22, 2004.

James R. Cartiglia

  
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Signature

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11/22/04  
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Date